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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

E.S. through her guardians Mary and)
Steven Stassel, B.M. through his guardians)
Wayne and Sharon Mattingly, and K.H.)
through his guardian Robert Howard,)
for themselves and others similarly situated,)

Plaintiffs,)

v.)

STATE OF ALASKA, DEPARTMENT OF)
HEALTH AND SOCIAL SERVICES,)
DIVISION OF SENIOR AND)
DISABILITIES SERVICES, and DUANE)
MAYES, in his official capacity as)
Division Director,)

Defendants.)

Case No. 1:18-cv-00008- JWS

**PRELIMINARY INJUNCTION
[PROPOSED]**

Pursuant to Federal Rule of Civil Procedure 65, Plaintiffs, through counsel, have moved for a preliminary injunction, enjoining Defendants from reducing Medicaid Waiver day habilitation services pursuant to the hourly cap contained in 7 AAC 130.260(c).

The Court finds and concludes that:

1. The Plaintiffs will face irreparable harm unless Defendants are enjoined from reducing Medicaid day habilitation hours pursuant to the 12-hour cap contained in 7 AAC130.260(c).
2. Plaintiffs raise serious and substantial questions going to the merits of this case and the balance of the equities tips in favor of the Plaintiffs because the Defendants can be adequately protected.
3. Plaintiffs have also made a clear showing of probable success on the merits.
4. The Plaintiffs are indigent and are excused from any requirement to provide security under Civil Rule 65(c).

THEREFORE, while this action proceeds, Defendants Duane Mayes and the State of Alaska, Department of Health and Social Services, Division of Senior and Disability Services are enjoined from reducing day habilitation hours pursuant to 7 AAC 130.260(c).

DATED: _____

JOHN W. SEDWICK
SENIOR DISTRICT COURT JUDGE